
By: **Chairman, Environmental Matters Committee (By Request -
Departmental - Agriculture)**

Introduced and read first time: February 5, 2003

Assigned to: Environmental Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 18, 2003

CHAPTER _____

1 AN ACT concerning

2 **Pesticide Registration Fees - Fees and Retention of Unexpended Funds**

3 FOR the purpose of reducing the amount of unexpended funds that may be retained
4 in a certain special fund at the end of a fiscal year; and altering the fees for
5 registering a pesticide with the Secretary of Agriculture.

6 BY repealing and reenacting, with amendments,
7 Article - Agriculture
8 Section 5-103 and 5-105
9 Annotated Code of Maryland
10 (1999 Replacement Volume and 2002 Supplement)

11 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
12 MARYLAND, That the Laws of Maryland read as follows:

13 **Article - Agriculture**

14 5-103.

15 The registration fee and all late fees under this subtitle shall be placed in a
16 special fund to be used only to defray partially the cost of administering this subtitle.
17 Notwithstanding any other provisions of this Code, any unexpended funds up to a
18 maximum of [\$100,000] \$50,000 may not revert to the general funds of the State at
19 the end of the fiscal year.

1 5-105.

2 (a) Except as provided in subsection (g), a distributor shall register with the
3 Secretary each brand or product name of a pesticide before distributing it in the
4 State. The registration for each pesticide expires December 31 each year.

5 (b) Each applicant shall file with the Secretary a statement listing:

6 (1) The name and address of each applicant and the name and address of
7 the person whose name will appear on the label, if other than the registrant;

8 (2) The name of the pesticide;

9 (3) A complete copy of the labeling accompanying the pesticide and a
10 statement of every claim to be made for it, including directions for use; and

11 (4) A full description of every test conducted and the results upon which
12 any claim is based, if requested by the Secretary.

13 (c) A separate application shall be filed for each person whose name appears
14 on the label. Upon renewal, a person shall file a statement listing any required new
15 information that does not appear on the statement filed when the pesticide was
16 registered or was last reregistered.

17 (d) The applicant shall pay an annual fee of [\$60] \$100 to the Secretary for
18 each product registered. Unless the Secretary determines otherwise, each applicant
19 also shall pay a terminal registration fee of [\$60] \$100 for each discontinued pesticide
20 each year for two years.

21 (e) In addition to the annual fee, any person filing a renewal application after
22 January 31 for any product offered for sale shall pay a ten percent per month late
23 registration fee for each pesticide, but not exceeding twice the annual registration fee
24 per pesticide. Late fees apply retroactively to the January 1 filing date. Late fees are
25 not applicable to new products which are registered before being distributed, sold, or
26 offered for sale.

27 (f) The Secretary may require the submission of toxicological, environmental,
28 or health effects data that the Secretary considers appropriate, or the complete
29 formula of any pesticide whenever he deems this action necessary to effectuate the
30 purposes of this subtitle. The Secretary shall register the pesticide if he determines
31 that the pesticide, its labeling, and other material required to be submitted comply
32 with the requirements of this subtitle.

33 (g) Provided the product label has not been altered or changed, a distributor
34 shall not be required to register the brand or trade name of a pesticide which has been
35 registered by another person under this subtitle.

36 (h) Before a pesticide may be registered by the Secretary, the pesticide shall
37 comply with the provisions of federal pesticide laws and regulations.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
2 effect October 1, 2003.